

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ELIZABETH C. STRAUB,

Plaintiff,

v.

CIVIL ACTION NO. 5:04-0536

JOANNE BARNHART,
Commissioner of Social Security,

Defendant.

ORDER

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the plaintiff's motion for judgment on the pleadings be denied, that the like motion of the defendant be granted, the decision of the Commissioner be affirmed and this matter be dismissed from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** the plaintiff's motion for judgment on the pleadings, **GRANTS** the like motion of the defendant **AFFIRMS** the decision of the Commissioner and **DISMISSES** this matter for the Court's docket, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDerVort, counsel of record, and any unrepresented parties.

ENTER: September 7, 2005

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE